

**Subpart D—Terms and Conditions of an Experimental Permit**

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**Subpart A—General Information****§ 437.1 Scope and organization of this part.**

(a) This part prescribes requirements for obtaining an experimental permit. It also prescribes post-permitting requirements with which a permittee must comply to maintain its permit. Part 413 of this subchapter contains procedures for applying for an experimental permit.

(b) Subpart A contains general information about an experimental permit. Subpart B contains requirements to obtain an experimental permit. Subpart C contains the safety requirements with which a permittee must comply while conducting permitted activities. Subpart D contains terms and conditions of an experimental permit.

**§ 437.3 Definitions.**

*Anomaly* means a problem that occurs during verification or operation of a system, subsystem, process, facility, or support equipment.

*Envelope expansion* means any portion of a flight where planned operations will subject a reusable suborbital rocket to the effects of altitude, velocity, acceleration, or burn duration that exceed a level or duration successfully verified during an earlier flight.

*Exclusion area* means an area, within an operating area, that a reusable suborbital rocket's instantaneous impact point may not traverse.

*Key flight-safety event* means a permitted flight activity that has an increased likelihood of causing a launch

accident compared with other portions of flight.

*Operating area* means a three-dimensional region where permitted flights may take place.

*Permitted vehicle* means a reusable suborbital rocket operated by a launch or reentry operator under an experimental permit.

*Reentry impact point* means the location of a reusable suborbital rocket's instantaneous impact point during its unpowered exoatmospheric suborbital flight.

**§ 437.5 Eligibility for an experimental permit.**

The FAA will issue an experimental permit to a person to launch or reenter a reusable suborbital rocket only for—

- (a) Research and development to test new design concepts, new equipment, or new operating techniques;
- (b) A showing of compliance with requirements for obtaining a license under this subchapter; or
- (c) Crew training before obtaining a license for a launch or reentry using the design of the rocket for which the permit would be issued.

**§ 437.7 Scope of an experimental permit.**

An experimental permit authorizes launch or reentry of a reusable suborbital rocket. The authorization includes pre- and post-flight ground operations as defined in this section.

(a) A pre-flight ground operation includes each operation that—

- (1) Takes place at a U.S. launch site; and
- (2) Meets the following criteria:
  - (i) Is closely proximate in time to flight,
  - (ii) Entails critical steps preparatory to initiating flight,
  - (iii) Is unique to space launch, and
  - (iv) Is inherently so hazardous as to warrant the FAA's regulatory oversight.

(b) A post-flight ground operation includes each operation necessary to return the reusable suborbital rocket to a safe condition after it lands or impacts.